

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No. 09/656,714

Q60692

REMARKS

Claims 13-17, 21 and 22 are all the claims currently pending in the present Application.

Claim Rejections

According to the Advisory Action of October 14, 2005, the previous rejections of the claims are maintained:

- Claim 13 stands rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Shobu et al., U.S. Patent No. 5,692,130 ("Shobu").

- Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shobu, in view of Yoshida, U.S. Patent No. 5,594,867 ("Yoshida").

- Claim 15 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shobu, in view of Corrigan et al., U.S. Patent No. 5,966,636 ("Corrigan").

- Claim 16 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shobu, in view of Gregory, U.S. Patent No. 5,909,673 ("Gregory").

- Claims 17 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shobu, in view of Takashima, EP 355777 ("Takashima").

- Claim 21 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shobu, in view of Grier, U.S. Patent No. 5,615,213 ("Grier") and Gregory.

Amendments to the claims. With this Amendment, Applicant amends Claims 13, 17, 21, and 22 for purposes of clarity.

Claims 13 and 17. In the September 19 Amendment, Applicant argued that the references failed to teach or suggest "not transmitting the large volume of data to said client

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terminal upon reception of a notification of data transmission non-allowance from said client terminal." In response to this argument, the Examiner maintains that this limitation is taught by Shobu in that Shobu teaches that if, after transmitting the call setup message SETUP to the called terminal for the second time, the calling terminal does not receive a second answer message CONN, the call is disconnected. The Examiner asserts that "the Examiner considers the absence of an answer to be an answer, particularly when it comes to the physical implementation and monitoring of a signal. Further, the server's clear recognition of this condition makes the precise trigger arbitrary."

With this Amendment, Applicant amends Claims 13 and 17, as shown, for purposes of clarity. This amendment is supported in the original specification at least at Fig. 3, steps 319 and 320; Fig. 7, step 709.

Therefore, Applicant asserts that Shobu fails to enter into a transmission allowance waiting state. According to Shobu, when the calling terminal fails to receive the CONN message for the second time, the call is disconnected. Therefore, the calling terminal could not possibly await a transmission allowance because the connection is lost between the calling terminal and the called terminal.

Claims 17 and 22. In the September 19 Amendment, Applicant also asserted that, with respect to claims 17 and 22, the references fail to teach or suggest "announcing the data transmission time to a user." In response, the Examiner asserts that "due to the breadth of the claims, data transmission time may mean the current time or a later time to be negotiated. That is, the Examiner treats it as the time of the attempted call, which is recorded."

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In view of this argument, Applicant notes that while Takashima teaches storing the time of a missed call, there is no teaching or suggestion of displaying or announcing an amount of time which is required for a transmission of a large volume of data to a client terminal. For purposes of clarity, Applicant amends claims 17 and 22, as shown.

Claims 14-16. Applicant submits that claims 14-16 are patentable at least by virtue of their dependence on claim 13.

Claim 21. The Examiner notes that the amendment rewriting claim 21 into independent form in the September 19 Amendment is unclear. Therefore, Applicant amends claim 21 as shown, for purposes of clarity.

Applicant further notes that while Gregory teaches downloading information from a server to a client (the remote processing station), this fails to teach the claimed limitation of conducting calling from a client terminal to a server for downloading information.

Therefore, in view of at least the above, Applicant submits that Claims 13-17, 21, and 22 are patentable over the cited combinations of references and respectfully request that the rejections thereof be reconsidered and withdrawn.

Conclusion


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,



Laura Moskowitz
Registration No. 55,470

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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